

REMARKS

Claims 1-9 are pending in this application, with Claims 1 and 3 being independent claims.

Claims 1-2 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yamamoto et al. (U.S. Pat. App. Pub. No.2001/0040173).

Claims 1-3, 5 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmittou (U.S. Pat. No.6,012,462) in view of Yamamoto et al. and further in view of Sigmund et al. (U.S. Pat. No.4,592,376).

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmittou in view of Yamamoto et al., Sigmund et al., and further in view of Cheung (U.S. Pat. No.5,755,241).

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(e), the Examiner states that Yamamoto et al. anticipates each and every element of the claim. Amended Claim 1 recites “the hair dye is discharged through the at least one mouth by an outside *negative pressure* applied at the at least one mouth.” Amended Claim 1 teaches a dye container that has a casing 10’a, thin bags 10’b for containing the dye and preventing the dye remaining in the thin bags 10’b from contact with filling air, and mouths 10’c through which the dye is discharged (FIG. 5). The dye is discharged from the dye container by an outside *negative pressure* applied at the mouths 10’c.

Meanwhile, Yamamoto et al. discloses a squeeze container 10 that has an outer layer 21 and an inner layer 22 (paragraph [0021], FIG. 1). However, the content of the squeeze container 10 is discharged by the squeeze container 10 being squeezed so that the content undergoes a *positive pressure* from within the container (paragraph [0022]). The content discharge by a *positive pressure* taught by Yamamoto et al. is in contrast to the content discharge by a *negative pressure* in the present application. Yamamoto et al. fails to disclose or fairly suggest the content discharge by a *negative pressure* taught by Amended Claim 1.

Clearly, Amended Claim 1 operationally and structurally differs from Yamamoto et al.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the Examiner states that Schmittou in view of Yamamoto et al. and further in view of Sigmund et al. renders the claim obvious. Amended Claim 1 teaches a dye container for storing a hair dye, the dye container comprising at least one mouth adapted so that the hair dye is discharged through the at least one mouth by an outside *negative pressure* applied at the at least one mouth.

Meanwhile, Schmittou discloses a multi-color application device that has color containers (1) containing hair dyes and air pressure tubes (2). FIG. 1, col. 2 lines 15-21. Schmittou discharges the hair dyes from the color containers (1) by applying a positive pressure from within the color containers (1) to the hair dyes via the air pressure tubes (2). Col. 2 lines 22-25. Schmittou fails to disclose anywhere the content discharge by a *negative pressure* taught by Amended Claim 1.

Regarding Yamamoto et al., the rationale above for Amended Claim 1 under 35 U.S.C. § 102(e) also applies to Amended Claim 1 under 35 U.S.C. § 103(a).

Sigmund et al. teaches a hair dye applicating apparatus that has a supply container 2 (FIGs 1 and 5). Sigmund et al. discharges dye from the container 2 by applying a *positive pressure* from within the supply container on to the dye via “a slight pressure upon the wall” of the supply container (FIG. 1, col.3 lines 40-41) or by a pressure spring 25 (FIG. 5, col. 4 lines 34-35). Sigmund et al. fails to disclose or fairly suggest the content discharge by a *negative pressure* taught by Amended Claim 1.

Clearly, Amended Claim 1 operationally and structurally differs from Schmittou, Yamamoto et al., Sigmund et al. or any combination thereof.

Regarding the rejection of Claim 3 under 35 U.S.C. § 103(a), the Examiner states that Schmittou in view of Yamamoto et al. and further in view of Sigmund et al. renders the claim obvious. Amended Claim 3 recites “the at least one dye container discharging dye through the dye inlet port by a *negative pressure* applied at the dye inlet port.” The present application teaches a hair dyeing device that has a main body 20, a comb assembly 40, a dye inlet port 150, a pump 80, and a dye container 10 (FIG. 3). The dye is discharged from the dye container 10

through the dye inlet port 150 by a *negative pressure* applied at the dye inlet port 150 by the pump 80.

The above rationale regarding Schmittou, Yamamoto et al., and Sigmund et al. for Amended Claim 1 under 35 U.S.C. § 103(a) also applies to Amended Claim 3.

Clearly, Amended Claim 3 operationally and structurally differs from Schmittou, Yamamoto et al., Sigmund et al. or any combination thereof.

In view of the preceding remarks, it is respectfully submitted that all pending claims herein, namely Claims 1-9, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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